

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 2

REMARKS

The present communication is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 through 51 are pending in the application. Claims 1 through 51 have been rejected.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

The Examiner rejected claims 11,25,27,39,41,50 and 51 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner rejected these claims and stated that it is not clear where in the specification the language "remote direct memory access message" has been stated or at least where any types of messages has been discussed.

Applicant respectfully cites the following portion of the specification:

"In some embodiments, the system may be implemented in an efficient multi-channel reliable network having remote direct memory access (RDMA) capabilities. RDMA is a capability that allows data to be sent directly from one computer to the memory of another computer. The processing unit of the receiving computer is freed from involvement with the data transfer, thus speeding up overall computer operation..." (page 3, line 15)

"The standard process of transferring a message between two computers may involve a flow of data through each layer down to the physical layer at one computer and then when

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 3

the message arrives, another flow of data up though the layers in the receiving computer and ultimately to the application..." (Page 9, line 15)

Applicant respectfully would like to point out that the term "Remote Direct Memory Access message" is well known and understood in the communication arts to be part of a communication transaction between two computers using RDMA.

Thus, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. § 112 rejection of claims 11,25,27,39,41,50 and 51.

The Examiner rejected claim 11 under 35 U.S.C. § 112 and stated that it is not clear where in the specification the phrase "non remote-direct-memory-access traffic" is being discussed. Applicant respectfully wishes to point out that both the term "remote direct memory access" and the term "traffic" (as related to data being transferred from one computer to another) are widely discussed in the specification. Applicant also wishes to point out that the prefix "non" is a well known prefix in the English language, and thus the phrase "non remote-direct-memory-access [data] traffic" is understandable by one of ordinary skill in the communication arts, especially in light of the specification.

Thus, Applicant respectfully requests the withdrawal of the Examiner's 35 U.S.C. § 112 rejection of claim 11.

The Examiner rejected claims 39 and 50 under 35 U.S.C. § 112, stating that it is not clear where in the specification the term "Fiber channel" is being discussed. Applicant respectfully cite the following portion of the specification:

"Non-limiting examples of an efficient multi-channel reliable network include new system area network (SAN), InfiniBand network, Fiber-Channel network, asynchronous transfer mode (ATM) network and RDMA over TCP/IP network. These networks may be termed in general as "interconnects"". (Page 3, line 20)

Thus, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. § 112 rejection of claims 39 and 50.

The Examiner rejected claims 40 and 51 under 35 U.S.C. § 112 and stated that it is not clear where in the specification the term "remote procedure call transaction" is being discussed. Applicant respectfully cite the following:

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 4

"Many applications use transactions, such as, for example, RPC applications, database applications, storage-access applications, and file-access applications. A transaction is a two-way communication comprising sending a command and receiving a result or requested data." (Page 5, line 22)

Applicant further wishes to state that the term "RPC" refers to "remote procedure call" as indicated on page 1, line 23 of the present application. Thus, based on the specification, it should be clear to one of ordinary skill in the art what is a "remote procedure call transaction."

Thus, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. § 112 rejection of claims 40 and 51.

In the Office Action, the Examiner rejected claims 2,6 and 43 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner rejected these claims and stated that it is not clear where in the specification the language "traffic within or above a transport [layer]" has been disclosed. Applicant respectfully wishes to point out that this feature recited in the claims is inherent throughout the initial disclosure, especially in the description of Fig. 3, and is also an explicitly part of the initial disclosure because it was recited in the claims as filed.

The Examiner rejected claims 39 and 50 under 35 U.S.C. § 112 and stated that it is not clear where in the specification the term "remote direct memory access over transport control over internet protocol network hardware" is being discussed. Applicant respectfully wishes to point out that the term "remote direct memory access" is widely explained in the specification. Applicant also wishes to further point out that the embodiments recited in claims 39 and 50 are both inherent from the teachings within the present application, and that both RDMA and TCP/IP are expressly discussed.

Thus, Applicant does not understand the basis for the Examiner's 35 U.S.C. § 112 rejection of claims 39 and 50, and respectfully requests its withdrawal.

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 5

The Examiner rejected claims 39 and 50 under 35 U.S.C. § 112 and stated that it is not clear where in the specification the terms "expand Ethernet hardware" and "virtual interface hardware" are being discussed. Applicant respectfully wishes to cite the following:

"Non-limiting examples of communication hardware 36 include new system area network (SAN) technology, for example virtual interfaces (VI), InfiniBand, Fiber-Channel, small computer system interface (SCSI), asynchronous transfer mode (ATM), RDMA over TCP/IP network and even expanded Ethernet." (Page 9, line 6)

Thus, Applicant does not understand the basis for the Examiner's 35 U.S.C. § 112 rejection of claims 39 and 50, and respectfully requests its withdrawal.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1 through 51 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,640,239 to Gidwani. Applicants respectfully traverse this rejection in view of the fact that the Examiner has not established a prima facie of anticipation. As is well established under U.S. patent law, in order to successfully assert a prima facie case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. The Gidwani reference, however, does not teach or suggest key limitations in each of independent claims 1, 5, 11, 17, 25, 32, and 41.

More specifically, the Gidwani reference teaches:

"An intelligent scalable switching network. The present invention provides a unified Internet portal server (UIP Server) having multi-line capability, and a unified Internet portal client (UIP Client) incorporating functionality of a Customer Premise Equipment (CPE) DSL Modem, wherein the UIP Client is capable of communicating with the UIP Server via a network to provide a service to a subscriber using the UIP Client. According to the invention, the UIP server comprises a single server chassis incorporating all of a plurality of processing elements. In addition, the UIP Server is located remote from a Subscriber Location (SL) and is capable of providing a

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 6

plurality of services using a Digital Subscriber Line (DSL). The UIP Client is located at the SL and is capable of deploying DSL capability on a single communication line." (Gidwani Abstract)

Although the Gidwani reference does basically teach a system and method for data communication, it does not teach or suggest the specific methods and systems claimed in the present application. More specifically, each of independent claims 1, 5, 11, 17, 25, 32 and 41 teaches either a method and/or system of data communication including the limitations of either "multi-channel reliable hardware" and/or "remote direct memory access" ("RDMA"). The Gidwani reference only mentions an Ethernet card as an option for communication hardware and makes absolutely no mention of RDMA. As is well known, Ethernet is a mode of communication which uses hardware categorized as single channel communication hardware, not multi-channel reliable communication hardware.

Applicant respectfully requests reconsideration and withdrawal of the 102 rejections of claims independent claims 1, 5, 11, 17, 25, 32 and 41. Applicant also considers dependent claims 2 through 4, 6 through 10, 12 through 16, 18 through 31, 33 through 40, and 42 through 51 allowable by virtue of their dependency on allowable base claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of the 102 rejections of all dependent claims.

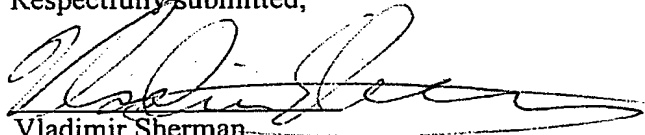
In view of the remarks, all the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

APPLICANT(S): HAVIV, Yaron
SERIAL NO.: 09/934,535
FILED: August 23, 2001
Page 7

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3400.

Respectfully submitted,



Vladimir Sherman
Attorney for Applicant(s)
Registration No. 43,116

Dated: December 19, 2005

Eitan Law Group
C/O Landon-IP, Inc.
1700 Diagonal Road, Suite 450
Alexandria, VA 22314
Tel/Fax: (212) 212-658-9933